



UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.

Order 99-9-10

Issued by the Department of Transportation  
on the 13th day of September, 1999

**Served: September 13, 1999**

**UNITED STATES-FRANCE COMBINATION  
SERVICES PROCEEDING**

**Docket OST-99-5714**

**FINAL ORDER ALLOCATING FREQUENCIES**

**Summary**

By this order, we make final our tentative findings and conclusions in Order 99-8-24, and allocate seven weekly frequencies to Delta Air Lines, Inc. for New York-Lyon services and seven weekly frequencies to American Airlines, Inc. for services in the New York-Paris and/or the Dallas/Ft. Worth-Paris markets.

**Background**

The 1998 Air Transport Agreement (Agreement) between the United States and France provides for substantial growth in transatlantic air service. With respect to combination services, the Agreement provides that during the period April 1998 through April 2002, the airlines designated for combination services collectively may operate up to 63 additional weekly frequencies in the market. Of these 63 frequencies, a total of 28 became available in 1998 and 1999, and they were allocated by Orders 98-5-8 and 98-11-19. Under the Agreement, 14 additional weekly frequencies become available for U.S. carrier services in April 2000.<sup>1</sup>

Three carriers—American, Delta, and Tower Air, Inc.—filed applications for allocation of some or all of the 14 available frequencies. By Order 99-8-24, the Department proposed to allocate seven weekly frequencies to Delta for New York-Lyon services and seven weekly frequencies to American for services in the New York-Paris and/or the Dallas/Ft. Worth-Paris markets. Interested parties were afforded ten days to file objections to the Department's tentative decision.

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<sup>1</sup> References to April of a given year mean that opportunities will be available from the first day of the International Air Transport Association (IATA) summer traffic season, which is normally the last week of March.

## **Responsive Pleadings**

On September 2, 1999, the three applicant carriers in this proceeding, American, Delta, and Tower, filed a notice that they do not intend to file objections to Order 99-8-24. American and Delta urge the Department to issue a final order immediately.

No other comments to the Department's show-cause order were filed.

## **Decision**

We have decided to make final our tentative decision in Order 99-8-24 to allocate Delta seven weekly frequencies for New York-Lyon service and American seven weekly frequencies for services in the New York-Paris (CDG) and/or Dallas/Ft. Worth-Paris (CDG) markets. As we stated in our show-cause order, these combined awards will provide the greatest service and competitive benefits by expanding U.S.-Paris services, introducing service in a new U.S.-France market, and ensuring full use of the available service rights under the transitional service regime. As noted above, there have been no objections to those findings, and no other circumstances that warrant changing our show-cause order.

Consistent with our proposal in Order 99-8-24, the frequency allocations granted will be subject to our standard 90-day dormancy condition.<sup>2</sup>

## **ACCORDINGLY,**

1. We make final our tentative findings and conclusions in Order 99-8-24;
2. We allocate the 14 weekly frequencies available April 1, 2000, for U.S.-France services as follows: 7 weekly frequencies to Delta Air Lines, Inc. for services in the New York-Lyon market and 7 weekly frequencies to American Airlines, Inc. for services in the New York-Paris (CDG) market or Dallas/Ft. Worth-Paris (CDG) market, or both;
3. The frequency allocations in ordering paragraph 2 are effective immediately for services beginning April 1, 2000, and will remain in effect indefinitely provided that the carriers continue to hold the necessary underlying authority in the selected markets;
4. The frequency allocations in ordering paragraph 2 are subject to the condition that they will expire automatically and the frequencies will revert to the Department if they are not used for a period of 90 days;<sup>3</sup>
5. We may amend, modify, or revoke this order at any time without hearing at our discretion; and

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<sup>2</sup> Since both carriers have proposed year-round operations, we will not include the standard proviso on these frequencies regarding seasonal service.

<sup>3</sup> The 90-day dormancy period will begin April 1, 2000, the proposed start-up date for the two carriers' operations.

6. We will serve this order on American Airlines, Inc.; Delta Air Lines, Inc.; Tower Air, Inc.; The Port Authority of New York and New Jersey; Aderly, The Lyon Area Economic Development Agency; the President, New York City Economic Development Corporation; the Ambassador of the French Republic in Washington DC; the United States Department of State (Office of Aviation Negotiations); and the Federal Aviation Administration.

By:

**A. BRADLEY MIMS**

Acting Assistant Secretary for  
Aviation and International Affairs

(SEAL)

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